

REMARKS

In accordance with the foregoing, claims 1, 4, 6, 9, 12, 17, 19, 21, and 23 have been amended. Claims 3, 7, 11, 15, 18, and 22 have been cancelled. Claims 1-2, 4-6, 8-10, 12-14, 16-17, 19-21 and 24-25 are pending and under consideration.

The rejections under 35 U.S.C. § 112 are overcome by the present amendments.

Using independent claim 1 as an example, this claim recites that the controller controls the heater driver and the drum driver to restart the heaters and the kneading drums, respectively, when the controller determines that the door is closed within a predetermined time elapsed since the door is opened.

The Examiner relies upon Morino. However, this reference teaches that operation times are adjusted based on the length of opening of the door. However, there is no determination as to whether the door is closed within a predetermined time since being opened.

Specifically, Morino teaches restarting based on whether the heating vessel 44 is loaded in the heating chamber. Morino, col. 17, ln. 19-22. The cooking period after restarting is changed in accordance with the period of opening the door during cooking and the cooking processes. Morino, col. 17, ln. 52-55. For example, the sum of periods P3' (before interruption) and P3" (after interruption) of the fermentation process is adjusted by α , which is smaller than the period of interruption p . Morino, col. 18, ln. 22-26. However, there is no determination whether p exceeds a certain value, thus, the restarting can conceivably occur at any value of p .

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By: 
Michael J. Badagliacca
Registration No. 39,099

Date: 8-18-06

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501